

REMARKS

I. Office Action Summary

Claims 1-5, 7, and 21-30 are pending. Claims 1, 21, and 26 are the independent claims. In the Office Action mailed March 31, 2008, Examiner rejected the following claims in the following combinations as obvious under 35 U.S.C. §103(a):

Claims	Examiner-cited Reference Combination
1, 3-4, 7, 21, 23, and 25	Dunn et al. (U.S. 5,916,302) and Greene et al. (U.S. 6,212,177)
2, 5, 22, 26, 27, 29 and 30	Dunn et al., (U.S. 5,916,302), Greene et al. (U.S. 6,212,177), and Berkley et al. (US 6,546,005)
23	Dunn et al., (U.S. 5,916,302), Greene et al. (U.S. 6,212,177), Berkley et al. (US 6,546,005) and Fukuoka et al. (U.S. 5,914,940)
28	Dunn et al., (U.S. 5,916,302) Greene et al. (U.S. 6,212,177), Berkley et al. (US 6,546,005) and DeSimone et al. (U.S. 6,138,144)

II. 35 U.S.C. § 103(a) Rejections of Independent Claims 1, 21, and 26

Independent Claim 1 was rejected as unpatentable under 35 U.S.C. § 103(a) over Dunn et al. in view of Greene et al. In the Office Action, it was asserted that Dunn et al. in view of Greene et al. teaches the following limitation of Claim 1:

“automatically establishing a separate, parallel virtual data channel between the called party and the calling party over a packet data network in response to receiving the telephone call at the telephony network”

Applicant respectfully disagrees. On Page 2 of the Office Action, it was conceded that Dunn et al. does not teach this limitation. Applicant maintains that Greene et al. also does not teach this limitation, because Greene et al. does not

disclose establishing a data channel between the called party and the calling party. Greene et al. col. 2, ll. 22-25, discloses line cards within an office switching network determining the status of each line, and distributing the status indicator information from the office switching network to each telephone trading station. This is simply a line in-use signal from the network to various system users. The distributed status indicator is not a data channel "between the calling party and the called party." Greene et al. further clarifies that the "data channel is established between the office switching network 10 and the personal computer to communicate line status information" at col. 2, ll. 47-50. In other words, the status indicator is communicated from the office switching network to the equipment used by each party within the office switching network.

In the Office Action, it was asserted that it would be obvious to combine the automatic establishment of a status indicator light with Dunn, because "to do so would be to allow for an indication for a status of a voice channel." Applicant respectfully disagrees. There is no motivation to combine Greene et al. and Dunn et al., as a calling party does not require a visual indication he/she is using his/her own voice channel. Such an indicator is redundant. Similarly, the called party has no separate need to know that the line he/she is on is now in use. Further, combining Greene et al. and Dunn et al. would only provide a status indicator from the office switching network to each user of the conferencing system, and would not provide a data channel between users consistent with Applicant's claims and specification.

Applicant respectfully submits that, for at least these reasons, Claim 1 is allowable over the art of record. Claims 2-5, and 7 are dependent claims, and therefore their allowability directly follows from the allowability of independent Claim 1. Reconsideration is requested.

III. 35 U.S.C. § 103(a) Rejections of Independent Claim 21

Independent Claim 21 was rejected as unpatentable under 35 U.S.C. § 103(a) over Dunn et al. in view of Greene et al. In the Office Action, it was

asserted that Dunn et al. in view of Greene et al. teaches the following limitation of Claim 21:

“automatically establishing a virtual data channel between the called party and the calling party on a packet data network in response to receiving the telephone call at the telephony network”

For at least the same reasons described above, Applicant respectfully submits that Dunn et al. and Greene et al., individually or in combination, do not teach this limitation of Claim 21.

Applicant respectfully submits that, for at least these reasons, Claim 21 is allowable over the art of record. Claims 22-25 are dependent claims, and therefore their allowability directly follows from the allowability of independent Claim 21. Reconsideration is requested.

IV. 35 U.S.C. § 103(a) Rejections of Independent Claim 26

Independent Claim 26 was rejected as unpatentable under 35 U.S.C. § 103(a) over Dunn et al., in view of Greene et al. and Berkley et al. In the Office Action, it was asserted that Dunn et al. in view of Greene et al. teaches the following limitation of Claim 26:

“automatically, in response to receiving the telephone call at the telephony network, determining a data address for the calling party on a data network and a data address for a called party on the data network, and establishing a virtual data channel from the calling party to the called party over the data network via the subscriber loop”

For at least the same reasons described above, Applicant respectfully submits that Dunn et al. and Greene et al., individually or in combination, do not teach this limitation of Claim 26.

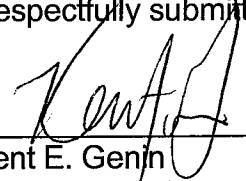
Berkley discloses an active user registry having a database of various ways users can be reached over some type of communication network (Col. 4, lines 46-50). Berkley fails to make up for the deficiencies in Dunn and Greene noted above. Applicant respectfully submits that, for at least these reasons, Claim 26 is allowable over the art of record. Claims 27-30 are dependent claims, and therefore their allowability directly follows from the allowability of independent Claim 26. Reconsideration is requested.

V. Conclusion

Applicant submits that this application is in condition for allowance. A Notice of Allowance is respectfully solicited. It should be noted that while the above remarks have focused only on certain elements of the independent claims, other elements of the independent claims (and the dependent claims) provide additional grounds of patentability. Applicant reserves the right to present arguments concerning these additional grounds at a later time, if necessary.

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

Respectfully submitted,



Kent E. Genin
Registration No. 37,834
Attorney for Applicant